

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ESMOND L. SANFORD,

Plaintiff,

v.

Case No. 16-cv-738-JPG-RJD

MADISON COUNTY, ILLINOIS, CAPT.
GARY BOST, CAPT. DONALD BUNT,
SHERIFF ROBERT HERTZ and MADISON
COUNTY JAIL,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 28) of Magistrate Judge Reona J. Daly recommending that the Court grant plaintiff Esmond L. Sanford’s motion for leave to file an amended complaint (Doc. 25).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Additionally, the Court finds the defendants’ motion to dismiss (Doc. 22) will be moot upon the filing of the amended complaint because it is directed at the original complaint, which will no longer be the operative pleading in this case. *Johnson v. Dossey*, 515 F.3d 778, 780 (7th Cir. 2008); *Massey v. Helman*, 196 F.3d 727, 735 (7th

Cir. 1999). Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 28);
- **GRANTS** Sanford's motion for leave to file an amended complaint (Doc. 25);
- **DIRECTS** the Clerk of Court to file the proposed amended complaint tendered by Sanford; and
- **DENIES as moot** the defendants' motion to dismiss (Doc. 22).

IT IS SO ORDERED.

DATED: November 22, 2016

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE